

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
Plaintiff,)
vs.) No. 14-cv-6553
COSTCO WHOLESALE CORPORATION,)
Defendant.)

DEPOSITION UPON ORAL EXAMINATION
OF
MICHELE HUGHES

9:25 A.M.

JUNE 17, 2015

909 FIRST AVENUE, SUITE 400
SEATTLE, WASHINGTON



REPORTED BY: LESLIE POST, CCR No. 2378

<p style="text-align: right;">Page 14</p> <p>1 A. She was a personnel specialist. Those are 2 the people that, you know, people call them from the 3 buildings with questions. 4 Q. Do you know what her current position is? 5 A. She works in some department, I don't know 6 what it's called. We're implementing a new payroll 7 system and so she helps train, things like that. 8 Q. What is your understanding as to why you 9 were contacted by Sophia, if it was Sophia that 10 initially contacted you? 11 MR. WYBENGA: Objection, calls for 12 speculation. 13 You can answer. 14 A. I think -- and this is I'm kind of piecing 15 this all together by looking at the documents, it's 16 been awhile. I think at the time they thought that 17 the employee Dawn had a restraining order, so they 18 were calling for advice about what to do with that. 19 Q. (By Mr. Mrizek) What did you do after being 20 contacted about Ms. Suppo regarding Ms. Suppo? 21 MR. WYBENGA: Again, I would restate my 22 objection on attorney-client privilege and not talk 23 about legal advice you gave to your clients. 24 You can answer the question. 25 THE WITNESS: I think I gave them legal</p>	<p style="text-align: right;">Page 16</p> <p>1 contact besides providing advice regarding the 2 restraining order? 3 A. At some point I talked to the dad. 4 Q. Marty Suppo? 5 A. Yes. 6 Q. How did you come to speak with the dad? 7 A. I don't remember. What I think happened is 8 that he was transferred to me. 9 Q. So you believe that he contacted someone 10 else in the organization and that person referred -- 11 either transferred the call or referred him to you? 12 A. Yes. 13 Q. And do you recall what Mr. Suppo told you? 14 A. Well, he was yelling. 15 Q. How many times did you speak to Mr. Suppo? 16 A. Once, I think. I think only once. 17 Q. Do you recall the approximate date of that 18 conversation? 19 A. No. 20 Q. Do you recall what he told you? 21 A. He was saying that his daughter was -- that 22 a member, which is a customer, was stalking his 23 daughter. I don't know if he used the word "stalk," 24 but he was -- you know, he was saying that this person 25 was bothering his daughter. I think he said stalking.</p>
<p style="text-align: right;">Page 15</p> <p>1 advice. 2 MR. WYBENGA: I will instruct you not to 3 answer what legal advice you gave. 4 Q. (By Mr. Mrizek) What was the subject matter 5 of the legal advice you provided? I'm not asking for 6 the legal advice, just the subject matter. 7 A. Sure. About the restraining order. 8 Q. And besides providing advice regarding the 9 restraining order, did you do anything else with 10 respect to Ms. Suppo's situation? 11 Let me rephrase that. 12 A. Okay. 13 Q. As background, if you don't understand a 14 question, let me know. I don't want you to answer 15 questions that are unclear or convoluted, which may 16 happen. 17 A. Okay. 18 Q. You said you got a contact in September of 19 2011 regarding Ms. Suppo, correct? 20 A. Yes. 21 Q. And you believe what you did in response to 22 that contact was provide legal advice regarding the 23 restraining order, correct? 24 A. Yes. 25 Q. Did you do anything else after that initial</p>	<p style="text-align: right;">Page 17</p> <p>1 Q. What did you say in response? 2 A. Well, I think I -- I'm going to tell you I 3 don't remember. I think I asked for the restraining 4 order. I don't know whether he was telling me he had 5 a restraining order. At some point I learned about 6 the restraining order and I think I learned about it 7 before I spoke with him, I think. 8 Q. Anything else you recall telling him in 9 response -- during that conversation? 10 A. No. It's unusual to talk to somebody's dad. 11 Q. Do you recall anything else that he said to 12 you during that phone conversation? 13 A. No. 14 Q. Did you take any notes from that phone 15 conversation? 16 A. No. 17 Q. Did you follow up with anyone at Costco 18 regarding that conversation? 19 A. Well, at some point he sent me something -- 20 he sent me paperwork. 21 Q. And was that via email? 22 A. Yes. And so I think I would have sent -- I 23 don't remember. I think I would have sent that to HR, 24 I think. 25 Q. Did you have any conversations with anyone</p>

<p style="text-align: right;">Page 50</p> <p>1 provided.</p> <p>2 A. Okay.</p> <p>3 Q. Have you had a chance to review this</p> <p>4 document?</p> <p>5 A. Yes.</p> <p>6 Q. What is this document?</p> <p>7 A. This is -- these are pages from our employee</p> <p>8 agreement. These are some of our policies.</p> <p>9 Q. On the third page, it provide examples of</p> <p>10 what could be sexual harassment.</p> <p>11 A. Yes.</p> <p>12 Q. Does "stalking" mean anything to you?</p> <p>13 A. Stalking is criminal and scary.</p> <p>14 Q. Define "stalking" in your terms, the way you</p> <p>15 believe it means to you.</p> <p>16 A. Stalking would be repeated contact with a</p> <p>17 person who doesn't want contact.</p> <p>18 Q. Stalking, as you understand it, would that</p> <p>19 be a violation of Costco's internal anti-harassment</p> <p>20 policy?</p> <p>21 MS. FOLEY: Object to the extent it calls</p> <p>22 for a legal conclusion.</p> <p>23 MR. WYBENGA: Yeah, no legal conclusions.</p> <p>24 You can answer about the policy, which is the</p> <p>25 question.</p>	<p style="text-align: right;">Page 52</p> <p>1 as to "policy" and "addressed."</p> <p>2 Answer, if you can.</p> <p>3 A. Are you talking about a sexual harassment</p> <p>4 policy?</p> <p>5 Q. (By Mr. Mrizek) Sure. Something that would</p> <p>6 potentially provoke a problem with the sexual</p> <p>7 harassment policy, how under Costco's practice and</p> <p>8 policies would that be addressed?</p> <p>9 A. Well, it could be addressed a number of</p> <p>10 ways. One way would be to contact HR. One way would</p> <p>11 be for the building to look into the situation on</p> <p>12 their own. They should take it seriously and they</p> <p>13 should get back to the person who made the complaint.</p> <p>14 Q. Is there any -- you mentioned it can be</p> <p>15 dealt with by HR or dealt with by the building on its</p> <p>16 own.</p> <p>17 A. Yes.</p> <p>18 Q. Any guidance as to which path should be</p> <p>19 taken?</p> <p>20 A. No. There's -- the buildings are trained.</p> <p>21 I mean, the GMs are trained and the assistant managers</p> <p>22 are trained on how to handle these situations.</p> <p>23 Sometimes, depending upon what the complaint is, I</p> <p>24 mean, if somebody was saying that their warehouse</p> <p>25 manager was sexually harassing them, then the</p>
<p style="text-align: right;">Page 51</p> <p>1 A. It would violate the policy in a number of</p> <p>2 ways.</p> <p>3 Q. (By Mr. Mrizek) Would unwelcome, repeated</p> <p>4 requests for dates be a violation of Costco's internal</p> <p>5 anti-harassment policy?</p> <p>6 MR. WYBENGA: Objection, incomplete</p> <p>7 hypothetical.</p> <p>8 You can answer, if you can.</p> <p>9 A. It could be.</p> <p>10 Q. (By Mr. Mrizek) And would unwelcome touching</p> <p>11 be a violation of Costco's anti-harassment policy?</p> <p>12 A. It could be.</p> <p>13 Q. What about unwelcome staring, would</p> <p>14 unwelcome staring be a violation of Costco's</p> <p>15 anti-harassment policy?</p> <p>16 A. It could be.</p> <p>17 Q. To whom may employees raise complaints of</p> <p>18 violations of the policy under Costco's policies?</p> <p>19 A. Anybody. We have an open-door policy, so</p> <p>20 they can talk to a supervisor, they can talk to their</p> <p>21 GM, they can call the president, he answers his own</p> <p>22 phone, HR.</p> <p>23 Q. What is Costco's policy as to how any</p> <p>24 complaints should be addressed?</p> <p>25 MR. WYBENGA: Objection, vague and ambiguous</p>	<p style="text-align: right;">Page 53</p> <p>1 warehouse manager shouldn't be doing the</p> <p>2 investigation. So it just depends.</p> <p>3 Q. And if either it was dealt with at the</p> <p>4 building level or at the HR level, what kind of</p> <p>5 response should be taken by the company to something</p> <p>6 that -- an issue raised by the sexual harassment</p> <p>7 policy?</p> <p>8 MR. WYBENGA: Objection, incomplete</p> <p>9 hypothetical, vague and ambiguous as to "response."</p> <p>10 You can answer.</p> <p>11 A. They should look into it.</p> <p>12 Q. (By Mr. Mrizek) Does Costco's policy</p> <p>13 instruct how an issue should be looked into?</p> <p>14 MR. WYBENGA: Objection, vague and ambiguous</p> <p>15 as to "policy," the document speaks for itself.</p> <p>16 You can answer.</p> <p>17 A. I think it gives general guidance. Each</p> <p>18 situation is different and there's all different</p> <p>19 levels of allegations, things that can happen.</p> <p>20 But as a base point, if somebody complains</p> <p>21 about anything really, even not just sexual</p> <p>22 harassment, it should -- they should look at the</p> <p>23 allegation and determine, the best they can, if it's</p> <p>24 true or not and make sure that the person is safe and</p> <p>25 feels like they've been heard and then they should get</p>